

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SASWATI N. CHAND,	:	
<i>Plaintiff,</i>	:	CIVIL ACTION
	:	
v.	:	
	:	
MERCK & CO., INC.,	:	No. 19-0286
<i>Defendant.</i>	:	

ORDER

AND NOW, this 26th day of July, 2019, upon consideration of Defendant's Motion to Dismiss the Complaint (Doc. No. 2), Plaintiff's Response thereto (Doc. No. 6), Defendant's Reply (Doc. No. 8), Plaintiff's Supplemental Brief (Doc. No. 15), the oral argument held on May 9, 2019, as well as Plaintiff's Motion for Leave to File an Amended Complaint (Doc. No. 16), and Defendant's Response thereto (Doc. No. 17), it is **ORDERED** that, as set forth in the Court's July 26, 2019 Memorandum:

1. The Motion to Dismiss (Doc. No. 2) is **GRANTED**, such that, in the original Complaint:
 - a. Count I (Promissory Estoppel) and Count III (Breach of the Covenant of Good Faith and Fair Dealing) are **DISMISSED WITH PREJUDICE**; and
 - b. Count II (Negligent Misrepresentation) is **DISMISSED WITHOUT PREJUDICE**.
2. The Motion for Leave to File and Amended Complaint (Doc. No. 16) is **GRANTED IN PART AND DENIED IN PART**, such that, in the Amended Complaint:
 - a. Leave to Amend Count III (Negligent Misrepresentation) is **GRANTED**; and
 - b. Leave to Amend all other counts is **DENIED WITH PREJUDICE**.

3. Consistent with this Order, on or before August 16, 2019, the Plaintiff shall refile the Amended Complaint with only the amended Count for Negligent Misrepresentation.

BY THE COURT:

S/Gene E.K. Pratter

GENE E.K. PRATTER

UNITED STATES DISTRICT JUDGE